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MAILED

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OFFICE OF PETITIONS

In re Application of	:	
James W. Lillard, Jr., et al.	:	
Application No. 10/712,393	:	ON PETITION
Filed: November 14, 2003	:	
Attorney Docket No.: 1013-014 US	:	

This is a decision in response to the renewed petition, filed July 29, 2010, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed July 26, 2005. A Notice of Abandonment was subsequently mailed on November 17, 2006. On May 10, 2010, a petition under the provisions of 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed June 30, 2010. On July 29, 2010, the present petition was filed.

While this application has been abandoned for an extended period of time, the U.S. Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting the statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." *See Changes to Patent Practice and Procedure*, 62 *Fed. Reg.*, at 53160 and 53178; 1203 *Off. Gaz. Pat. Office*, at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the U.S. Patent and Trademark Office).

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the response in the form of an amendment and election of the invention to be examined; (2) the petition fee of \$810; and (3) an adequate statement of unintentional delay.

The application is being referred to Technology Center AU 1647 for appropriate action by the Examiner in the normal course of business on the reply received May 10, 2010.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries regarding this application should be directed to the Technology Center.

A handwritten signature in black ink, appearing to read "Sherry D. Brinkley". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions